

State Water Resources Control Board
Division of Drinking Water

December 17, 2018

System No. 1000345

Mr. Juan Cadena
Panoche Water District
52027 W. Althea Avenue
Firebaugh, CA 93622

Dear Mr. Cadena:

RE: COMPLIANCE ORDER AMENDMENT NO. 03_23_18RA_005_A1

On December 17, 2018, the State Water Resources Control Board-Division of Drinking Water (Division) issued Compliance Order Amendment No. 03_23_18RA_005_A1 (enclosed) to the Panoche Water District water system.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the State Water Board has spent approximately 1 hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

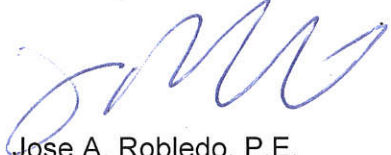
Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Sudarshan Poudyal of my staff or me at 559 447 3300.

Sincerely,



Jose A. Robledo, P.E.
Senior Water Resource Control Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Certified Mail No. 7018 0040 0000 3159 7506

JAR/SP

cc: Tom Galindo, Contract Operator

Enclosure

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: PANOCHÉ WATE DISTRICT
WATER SYSTEM NO. 1000345

TO: Mr. Juan Cadena
52027 W. Althea Avenue
Firebaugh, CA 93622

COMPLIANCE ORDER AMENDMENT
No. 03_23_18RA_005_A1

FIRST AMENDMENT TO COMPLIANCE ORDER
No. 03_23_18R_002 Issued on March 2, 2018

Issued on December 17, 2018

26 The State Water Resources Control Board (hereinafter "Board"), acting by and
27 through its Division of Drinking Water (hereinafter "Division") and the Deputy
28 Director for the Division (hereinafter "Deputy Director"), hereby issues to the
29 Panoche Water District this compliance Order Amendment (hereinafter
30 "Amendment") to Compliance Order No. 03_23_18R_002.

31
32 Compliance Order No. 03_23_18R_002 (hereinafter "Compliance Order"), provided
33 as Attachment A, was issued to the Panoche Water District water system
34 (hereinafter "Water System") on March 2, 2018, for violation of the Haloacetic Acids
35 (HAA5) Maximum Contaminant Level (MCL).

The Water System has since violated the Total Trihalomethanes (TTHMs) MCL. Specifically, the Water System exceeded the TTHM MCL locational running annual average (LRAA) in the third quarter of 2018. A summary of the Water System's TTHM and HAA5 monitoring and LRAA since 2016 is presented in Table 1.

**Table 1: Stage 2 DBPR Sample Site Results
50082 W. Althea Avenue**

Sample Quarter	TTHM (µg/L)		HAA5 (µg/L)	
	MCL = 80		MCL = 60	
	Quarterly Concentration	LRAA	Quarterly Concentration	LRAA
1Q 2016	12	77.8	-	-
2Q 2016	69	71.3	57	49.5
3Q 2016	36	42.8	26	42.5
4Q 2016	56	43.3	30	39.8
1Q 2017	52	53.3	89	51.0
2Q 2017	33	44.3	-	
3Q 2017	51	48.0	130	68.8¹
4Q 2017	23	39.8	34	70.8¹
1Q 2018	130	59.3	34	71.8¹
2Q 2018	-	-	-	-
3Q 2018	170	93.5¹	25	55.8

¹LRAA Exceeds MCL

The Division hereby amends the Compliance Order as follows:

A) Delete Directive No. 2 and replace with the following:

Provide quarterly public notification of its inability to meet the TTHM and HAA5 MCL during any calendar quarter that the four-quarter locational running annual average exceeds the TTHM and HAA5 MCL.

B) Delete Directive No. 5 and replace with following:

55 Prepare a Corrective Action Plan identifying improvements to the Water
56 System designed to correct the water quality problem (violation of the TTHM
57 and HAA5 MCL) and eliminate the need to deliver water to consumers that
58 does not meet primary drinking water standards. The plan shall include a time
59 schedule for completion of various phases of the project such as design,
60 construction, and startup. The plan shall identify the source of funding for the
61 necessary improvements.

62 C) Delete Directive No. 6 and replace with the following:

63 Present the Corrective Action plan required under Directive No. 5, above, to
64 the Division in an office meeting no later than **March 31, 2019**.

65
66 Except as amended herein, all other terms of Compliance Order No.
67 03_23_18R_002 shall remain in full force and effect.

68
69 All submittals, with exception of analytical results, required by the Compliance Order
70 or this amendment shall be electronically submitted to the State Water Board
71 Division of Drinking Water District 23 email address. All submittals should be
72 addressed to:


73
74 Jose A. Robledo, P.E., Senior Water Resource Control Engineer
75 State Water Resources Control Board
76 Division of Drinking Water, Fresno District
77 265 W. Bullard Avenue, Suite 101
78 Fresno, CA 93704
79 Dwpdist23@waterboards.ca.gov

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12-17-2018
Date


Carl L. Carlucci, P.E.
Supervising Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA
DRINKING WATER FIELD OPERATIONS



CLC/JAR/SP

Attachments:

Attachment A: Compliance Order No. 03_23_18R_002

Certified Mail No. 7018 0040 0000 3159 7506

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: PANOCHÉ WATER DISTRICT
WATER SYSTEM NO. 1000345

TO: CHRIS LINNEMAN
PANOCHÉ WATE DISTRICT
52027 WEST ALTHEA
FIREBAUGH, CA 93622

COMPLIANCE ORDER NO. 03_23_18R_002

FOR NONCOMPLIANCE WITH THE
STAGE 2 DISINFECTION BYPRODUCT RULE
MAXIMUM CONTAMINANT LEVEL FOR
HALOACETIC ACIDS (FIVE)
SECTION 64533(a), TITLE 22, CALIFORNIA CODE OF REGULATIONS

Issued on March 2, 2018

The State Water Resources Control Board (hereinafter "State Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a Compliance Order (hereinafter "Order"), pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to Panoche Water District Water System for violation of CHSC Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64533(a), Maximum Contaminant Levels for Disinfection Byproducts.



38 **APPLICABLE AUTHORITIES**

39
40 **CHSC, Section 116555, states in relevant part:**

41 (a) Any person who owns a public water system shall ensure that the system does all of the
42 following:

- 43 (1) Complies with primary and secondary drinking water standards.
44

45 **CHSC, Section 116655, states in relevant part:**

46 (a) Whenever the department determines that any person has violated or is violating this
47 chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter,
48 the director may issue an order doing any of the following:

- 49 (1) Directing compliance forthwith.
50 (2) Directing compliance in accordance with a time schedule set by the department.
51 (3) Directing that appropriate preventive action be taken in the case of a threatened
52 violation.
53

54 (b) An order issued pursuant to this section may include, but shall not be limited to, any or
55 all of the following requirements:

- 56 (1) That the existing plant, works, or system be repaired, altered, or added to.
57 (2) That purification or treatment works be installed.
58 (3) That the source of the water supply be changed.
59 (4) That no additional service connection be made to the system.
60 (5) That the water supply, the plant, or the system be monitored.
61 (6) That a report on the condition and operation of the plant, works, system, or
62 water supply be submitted to the department.
63

64 **CCR, Title 22, Section 64533(a), states in relevant part:**

65 (a) Using the monitoring and calculation methods specified in sections 64534, 64534.2,
66 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in table
67 64533-A shall not be exceeded in drinking water supplied to the public.
68
69

Table 64533-A
Maximum Contaminant Levels and Detection Limits for Purposes of Reporting
Disinfection Byproducts

Disinfection Byproduct	Maximum Contaminant Level (mg/L)	Detection Limit for Purposes of Reporting (mg/L)
Total trihalomethanes (TTHM)	0.080	
Bromodichloromethane		0.0010
Bromoform		0.0010
Chloroform		0.0010
Dibromochloromethane		0.0010
Haloacetic acids (five) (HAA5)	0.060	
Monochloroacetic Acid		0.0020
Dichloroacetic Acid		0.0010
Trichloroacetic Acid		0.0010
Monobromoacetic Acid		0.0010
Dibromoacetic Acid		0.0010
Bromate	0.010	0.0050
Chlorite	1.0	0.020

Additional *Applicable Authorities* are located in Attachment A, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Panoche Water District Water System is a community water system that provides treated surface water obtained from the California Aqueduct, via Westlands Water District. Treatment includes an inline filtration technology. Filtered water for the drinking water system is injected with sodium hypochlorite solution immediately downstream of the surface water treatment plant, prior to a series of five storage tanks. The Water System serves 46 residential service connections and a reported population of 146 individuals. The Water System operates under Domestic Water Supply Permit No. 03-23-09P-043, issued by the Division on June 10, 2009, and amended with the issuance of Domestic Water Supply Permit Amendment No. 03-23-13PA-003, issued on April 12, 2013. Another

87 Permit Amendment No. 2017PA_SCHOOLS_046 was issued on January 17, 2017
88 requiring lead sampling at K-12 schools.

89
90 CCR, Title 22, Chapter 15.5 (hereinafter "Stage 2 Disinfection Byproduct Rule" or
91 "S2DBPR") adopted by California, effective June 21, 2012, requires water systems serving
92 less than 10,000 persons to monitor and report disinfection byproduct and residual
93 disinfectant levels. The S2DBPR applies to any community or nontransient noncommunity
94 water system that treats water with a chemical disinfectant in any part of the treatment
95 process or that provides water containing a chemical disinfectant. CCR Section 64533
96 establishes maximum contaminant levels (hereinafter "MCL") in drinking water for total
97 trihalomethanes (hereinafter "TTHM") and haloacetic acids (five) (hereinafter "HAA5") in
98 drinking water of 0.080 mg/L and 0.060 mg/L, respectively.

99
100 CCR, Section 64534.2, establishes a routine monitoring frequency for a surface water
101 system serving a population less than 500 individuals of one sample for TTHMs and
102 HAA5s per year per treatment plant during the month of warmest water temperature. The
103 Water System is on an increased monitoring frequency of one sample per quarter per
104 treatment plant, as required by Table 64534.2-A.

105
106 CCR, Section 64535.2(e)(1), specifies ongoing compliance determinations for quarterly
107 TTHM and HAA5 monitoring; specifically, compliance with the TTHM and HAA5 MCLs
108 are based on a locational running annual average (LRAA), computed quarterly, at each
109 approved sample site. The Water System is required to collect one TTHM sample and one

HAA5 sample at the location in the distribution system with the highest historic TTHM and HAA5 results, respectively. The Water System's approved S2DBPR sample site is: 50082 W. Althea Avenue.

A summary of the Water System's recent TTHM and HAA5 monitoring is presented in the table below.

**Table 1: Stage 2 DBPR Sample Site Results
50082 W. Althea Avenue**

Sample Quarter	TTHM (µg/L)		HAA5 (µg/L)	
	MCL = 80		MCL = 60	
	Quarterly Concentration	LRAA	Quarterly Concentration	LRAA
1Q 2016	12	77.8	-	-
2Q 2016	69	71.3	57	49.5
3Q 2016	36	42.8	26	42.5
4Q 2016	56	43.3	30	39.8
1Q 2017	52	53.3	89	51.0
2Q 2017	33	44.3	-	-
3Q 2017	51	48.0	130	68.8 ¹
4Q 2017	23	39.8	34	70.8 ¹
1Q 2018				

¹LRAA Exceeds MCL

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System has violated CHSC Section 116555(a)(1) and CCR, Title 22, Section 64533(a). Specifically, the Water System exceed the LRAA HAA5 MCL during the third and fourth quarter of 2017, as shown in Table 1 above.

128 DIRECTIVES

129
130 To ensure that the water supplied by the Panoche Water District Water System is at all
131 times safe, wholesome, healthful, and potable, and pursuant to the California Safe
132 Drinking Water Act, the Water System is hereby directed to take the following actions:

- 133
- 134 1. Comply with CCR, Title 22, Section 64533(a) in future monitoring periods after
135 conducting upgrades of the treatment facility and treatment operations.
136
 - 137 2. Provide quarterly public notification of its inability to meet the HAA5 MCL
138 during any calendar quarter that the four-quarter locational running annual average
139 exceeds the HAA5 MCL. Notification procedures and format are provided in
140 Attachment B. An electronic version of Attachment B is available upon request.
141
 - 142 3. Proof of public notification shall be provided to the Division following each
143 quarterly notification by the 10th day of the month following notification, using the
144 form provided as Attachment C.
145
 - 146 4. Continue to collect quarterly samples for TTHMs and HAA5 from the distribution
147 system in accordance with an approved DBP monitoring plan. The analytical
148 results shall be reported to the Division electronically by the analyzing laboratory
149 no later than the 10th day following the month in which the analysis was completed.

- 150 5. Prepare a Corrective Action Plan identifying improvements to the Water System
151 designed to correct the water quality problem (violation of the HAA5 MCL) and
152 eliminate the need to deliver water to consumers that does not meet primary
153 drinking water standards. The plan shall include a time schedule for completion of
154 various phases of the project such as design, construction, and startup. The plan
155 shall identify the source of funding for the necessary improvements.
156
- 157 6. Present the Corrective Action Plan required under Directive No. 5, above, to the
158 Division in an office meeting no later than **May 31, 2018**.
159
- 160 7. Submit quarterly progress reports to the Division. The first quarterly progress
161 report shall describe progress made in the second quarter of 2018 and shall be
162 submitted to the Division by **July 10, 2018**, using the form provided as Attachment
163 D.
164
- 165 8. Operate the existing water system to minimize formation of total trihalomethanes
166 and haloacetic acids in the distribution system.
167
- 168 9. Submit a written response by **March 15, 2018**, indicating its willingness to comply
169 with the directives of this Compliance Order.
170
- 171 10. By no later than **March 1, 2021**, achieve compliance with the haloacetic acids
172 (five) maximum contaminant level, with the completion of a project and

173 demonstration that the locational running annual average is reliably less than the
174 MCL. The Water System shall provide written notification of the date that
175 compliance is achieved, no later than ten days following receipt of the laboratory
176 sampling results.

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178 All submittals required by this Order shall be addressed to:

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180 Jose A. Robledo, P.E.,
181 Senior Water Resource Control Engineer
182 State Water Resources Control Board
183 Division of Drinking Water
184 Fresno District
185 265 W. Bullard Avenue, Suite 101
186 Fresno, CA 93704

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189 The Division reserves the right to make such modifications to this Order as it may deem
190 necessary to protect public health and safety. Such modifications may be issued as
191 amendments to this Order and shall be effective upon issuance. Nothing in this
192 Compliance Order relieves the Panoche Water District water system of its obligation to
193 meet the requirements of the California SDWA, or any regulation, standard, permit or
194 order issued thereunder.

195

196 If the Water System is unable to perform the tasks specified in this Order for any reason,
197 whether within or beyond its control, and if the Water System notifies the Division in
198 writing no less than five days in advance of the due date, the Division may extend the time
199 for performance if the Water System demonstrates that it has used its best efforts to
200 comply with the schedule and other requirements of this Order.

201

202 **PARTIES BOUND**

203
204 This Compliance Order shall apply to and be binding upon Panoche Water District, its
205 owners, shareholders, officers, directors, agents, employees, contractors, successors, and
206 assignees.

207
208 **SEVERABILITY**

209
210 The directives of this Compliance Order are severable, and Panoche Water District shall
211 comply with each and every provision thereof notwithstanding the effectiveness of any
212 provision.

213
214 **FURTHER ENFORCEMENT ACTION**

215
216 The California SDWA authorizes the Division to issue citations and compliance orders
217 with assessment of administrative penalties to a public water system for violation or
218 continued violation of the requirements of the California SDWA or any permit, regulation,
219 permit or order issued or adopted thereunder including, but not limited to, failure to correct
220 a violation identified in a citation or compliance order. The California SDWA also
221 authorizes the Division to take action to suspend or revoke a permit that has been issued to
222 a public water system if the system has violated applicable law or regulations or has failed
223 to comply with an order of the Division; and to petition the superior court to take various
224 enforcement measures against a public water system that has failed to comply with an order

225 of the Division. The Division does not waive any further enforcement action by issuance
226 of this compliance order.
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3-2-2018



Carl L. Carlucci, P.E.
Supervising Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS



Attachments:

- Attachment A: Applicable Authorities
- Attachment B: Public Notification Form
- Attachment C: Proof of Notification Form
- Attachment D: Quarterly Progress Report Form

Sent Via Certified Mail: 70163010000004460761